

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

JOSHUA L. BARRICKS

Plaintiff,

v.

JAMES R. WRIGHT

Defendant.

Civil Action No.: 7:23-cv-00551

**PLAINTIFF’S MOTION IN LIMINE TO EXCLUDE
DR. DARRIN K. PORCHER’S EXPERT OPINIONS**

Plaintiff Joshua L. Barricks (“Mr. Barricks” or “Plaintiff”), by and through counsel, files this Motion *in Limine* to Exclude Dr. Darrin K. Porcher’s Expert Opinions.

1. On May 30, 2024, Defendant James R. Wright (“Defendant”) served his Rule 26(a)(2) Expert Witness Disclosure identifying Darrin K. Porcher Ed.D. as an expert witness.

2. Dr. Porcher’s use of force opinions do not comply with Rule 702 of the Federal Rules of Evidence and the requirements of *Daubert v. Merrell Dow Pharms., Inc.*, 509 U.S. 579 (1993) and its progeny.

3. Dr. Porcher’s report fails the reliability requirement under Rule 702 and *Daubert* because his opinions fail to rely on sound methodology and reliably-backed principles.

4. Dr. Porcher’s report fails to assist the trier of fact in understanding the evidence or a fact at issue, as required by Rule 702 and *Daubert*.

5. Dr. Porcher’s use of force opinions improperly reach legal conclusions, thereby invading the province of the jury.

6. Pursuant to Western District of Virginia Local Rule 11(c)(1), the full basis of

Plaintiffs' Motion is set forth in the accompanying memorandum of law and the exhibits attached thereto.

WHEREFORE, Plaintiff Joshua L. Barricks respectfully requests that the Court grant this Motion and enter an order excluding Dr. Porcher's opinions from the trial of this matter.

Respectfully submitted this 2nd day of July, 2024.

JOSHUA L. BARRICKS

By: /s/ Jared A. Tuck
Counsel

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CERTIFICATE OF SERVICE

I hereby certify that on July 2, 2024, a copy of the foregoing was electronically filed with the Clerk using the CM/ECF system, which will send notification of such filing to all other counsel of record.

/s/Jared A. Tuck
Counsel